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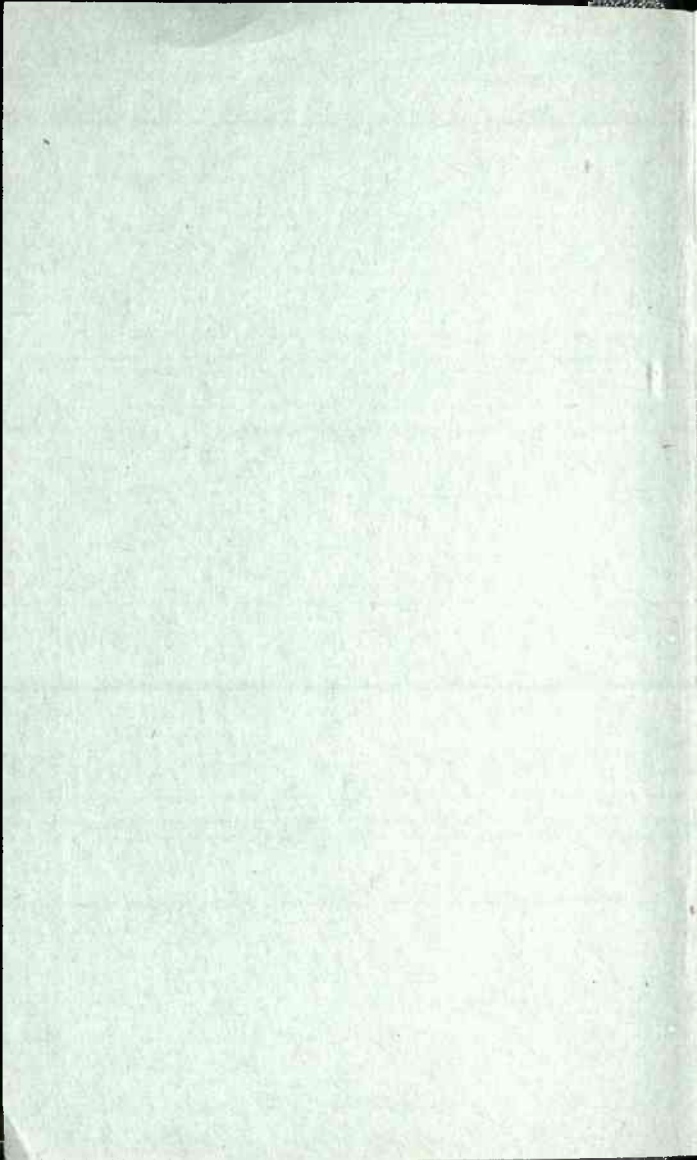
FOR THE

INSPECTION
of
EATING
ESTABLISHMENTS

in the City of
TERRE HAUTE, INDIANA

REFERENCE
DO NOT CIRCULATE
Ordinance No. 6, 1945

By Order of
COMMON COUNCIL OF
CITY OF
TERRE HAUTE, INDIANA



RESTAURANT ORDINANCE

for the

City of Terre Haute, Indiana

Mayor

VERNON R. McMILLAN

Common Council

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Mrs. Louise BohannonClerk

Richard C. Tuttle.....Restaurant Inspector

General Ordinance No. 6

As Amended

An Ordinance defining Restaurant, Food, Itinerant Restaurant Employee, Utensils, Health Officer, and other terms; requiring permits, license, license fee for the operation of such establishments; prohibiting the sale of adulterated, unwholesome, or misbranded food or drink; regulating the inspection, of such establishments; providing for the enforcement of this ordinance; fixing of penalties.

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, that

SECTION 1. Definitions. The following definitions shall apply in the interpretation and the enforcement of this ordinance:

A. Restaurant. — The term "restaurant" shall mean restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, tavern, sandwich stand, soda fountain and all other eating or drinking establishments, as well as kitchens, or other places in which food or drink is prepared for sale elsewhere.

B. Food. — The term "food" as used herein shall include all articles used for food, drink, confectionery, or condiment, whether simple mixed or compound, and all substances or ingredients used in the preparation thereof.

C. Itinerant Restaurant. — The term "itinerant restaurant" shall mean one operating for a temporary period, in connection with a fair, carnival, circus, public exhibition, or other similar gatherings.

D. Employee. — The term "employee" shall mean any person, who handles food or drink during the preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed in a room or other place in which food or drink is prepared or served.

E. Utensils. — The term "utensils" shall include any kitchenware, tableware, glassware, cutlery, containers, or other equipment of any kind or nature,

with which food or drink comes in contact during storage, preparation or serving.

F. Health Officer. — The term "health officer" shall mean the Secretary of the Board of Health of the City of Terre Haute, Indiana, or his authorized representative.

G. Person. — The word "person" shall mean any person, firm, corporation, or association.

SECTION 2. A. Permits. It shall be unlawful for any person to operate a restaurant in the City of Terre Haute, Indiana, who does not possess an unrevoked permit from the health officer. Such permit shall be posted in a conspicuous place in such establishment. Only persons who comply with the requirements of this ordinance shall be entitled to receive and retain such a permit. A person conducting an itinerant restaurant shall also be required to secure a permit.

Such a permit may be temporarily suspended by the health officer upon the violation by the holder of any of the terms of this ordinance, or revoked after an opportunity for a hearing by the health officer upon serious or repeated violation.

B. Fees. — Any person, who desires to operate a restaurant in the City of Terre Haute, Indiana, shall after securing a permit from the health officer, obtain from the City Controller a license for a restaurant. Such license shall be provided by the City Controller, if there is presented at his office an unrevoked permit from the health officer, together with Ten Dollars (\$10.00) if the application for license is made between the 1st day of January, and on or before the 31st day of March of any year; of Seven and 50/100 Dollars (\$7.50), if the application is made on the 1st day of April, and on or before the 30th day of June of any year; or Five Dollars (\$5.00), if the application is made on the 1st day of July, or on or before the 30th day of September, of any year; or Two and 50/100 Dollars (\$2.50), if the application is made on the 1st day of October, or on or before the 31st day of December of any year.

Every person operating a restaurant shall annual-

ly pay to the City Controller, at his office, a fee for the renewal of such license, in the amount of Ten Dollars (\$10.00), and such renewal license shall be issued, provided the applicant presents to the City Controller said amount of money, together with an unrevoked permit from the health officer. If such renewal fee is not paid by the 31st day of January of each year, succeeding the year in which the original license was granted, then any permit, which the applicant holds from the health officer shall be deemed to be automatically revoked and cancelled, and no license shall then be granted by the City Controller, until a new permit from the health officer has been obtained and presented to his office.

Any person desiring to conduct an itinerant restaurant shall secure a permit therefor and a license shall be issued upon payment to the City Controller of One Dollar (\$1.00), for each day of operation, not to exceed Ten Dollars (\$10.00) for any one continuous operation.

Each application for a permit from the health officer, and any permit issued by the health officer, shall contain the name of the person to whom the permit is granted, the address of the premises for which the same is issued, the address of the person to whom the same is issued, if such address be different than the premises for which it is issued, and such other pertinent information as may be required by the health officer. A permit shall be issued to any applicant, who has complied with the requirements of this ordinance, and no permit or renewal thereof shall be denied on arbitrary or capricious grounds. A separate permit and license shall be required for each restaurant operated, or to be operated by any person.

C. **Fee Exception.** — The provisions of this ordinance shall apply to restaurants, and itinerant restaurants, operated by fraternal organizations, service clubs, religious, educational and charitable institutions, provided, however, that no license shall be required and no license fee shall be paid for the operation of such restaurant or itinerant restaurant.

SECTION 3. Examination and Condemnation of

Unwholesome or Adulterated Food or Drink. Samples of food, drink, and other substances may be taken and examined by the health officer as often as may be necessary for the detection of unwholesome or adulteration. The health officer may condemn and forbid the sale of or cause to be removed or destroyed, any food or drink which is unwholesome or adulterated.

SECTION 4. Inspection of Restaurant. At least once every six (6) months the health officer shall inspect every restaurant located within the city of Terre Haute, Indiana. In case the health officer discovers the violation of any item of sanitation, he shall make a second inspection after the lapse of such time as he deems necessary for the defect to be remedied, and the second inspection shall be used in determining compliance with the requirements of this ordinance. Any violation of the same item of this ordinance on such second inspection shall call for immediate suspension of permit.

One copy of the inspection report shall be posted by the health officer upon an inside wall of the restaurant, and said inspection report shall not be defaced or removed by any person except the health officer. Another copy of the inspection report shall be filed with the records of the health department.

The person operating the restaurant shall upon request of the health officer permit access to all parts of the establishment and shall permit copying any or all records of food purchased.

SECTION 5. Sanitation Requirements for Restaurants. — All restaurants shall comply with the following items of sanitation:

ITEM 1. Floors. — The floors of all rooms in which food and drink is stored, prepared, or served, or in which utensils are washed, shall be of such construction as to be easily cleaned, shall be smooth and shall be kept clean and in good repair.

ITEM 2. Walls and Ceilings. — Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food and drink is stored or prepared shall be finished in

light color. The walls of all rooms in which food or drink is prepared or utensils are washed shall have a smooth, washable surface up to the level reached by splash or spray.

ITEM 3. Doors and Windows. — When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies.

ITEM 4. Lighting. — All rooms in which food or drink is stored or prepared or in which utensils are washed shall be well lighted.

ITEM 5. Ventilation. — All rooms in which food or drink is stored, prepared or served, or in which utensils are washed, shall be well ventilated.

ITEM 6. Toilet Facilities. — Every restaurant shall be provided with adequate and conveniently located water-flush toilet facilities for its employees. The toilet fixtures and the installation of same shall conform with the plumbing ordinance of the City of Terre Haute, Indiana. Toilet rooms shall not open directly into any room in which food, drink or utensils are handled or stored. The doors of all toilet rooms shall be tight-fitting and self-closing. Toilet rooms shall be kept in a clean condition, in good repair, well lighted and ventilated. Handwashing signs shall be posted in each toilet room used by employees.

ITEM 7. Water Supply. — Running hot and cold water under mechanical pressure shall be easily accessible to all rooms in which food is prepared or utensils are washed and the water supply shall be adequate and of a safe sanitary quality. All coolers for drinking water shall be so constructed that the ice will not come in direct contact with the water to be drank and shall be kept free from contamination.

If a private water supply is maintained, the supply and all appurtenances thereto shall be constructed, installed and maintained as required by the Indiana State Board of Health and approved before the water supply is used. A sample of water from private wells must be sent to a recognized laboratory each month for bacteriological analysis and a copy

of report of analysis filed with the City Board of Health.

ITEM 8. Lavatory Facilities — Adequate and convenient hand-washing facilities shall be provided, including hot and cold running water, soap, and approved sanitary towels. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands.

ITEM 9. Construction of Utensils and Equipment. — All multi-use utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks, and other equipment or utensils used in connection with the operation of a restaurant shall be so constructed as to be easily cleaned and shall be kept in good repair. Utensils containing or plated with cadmium or lead shall not be used. Provided, that solder containing lead may be used for jointing.

ITEM 10. Cleaning and Bactericidal Treatment of Utensils and Equipment. — All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods, sinks, et cetera, shall be kept clean and free from dust, dirt, insects, and other contaminating material. All cloths used by waiters, chefs, and other employees shall be clean. Single-service containers shall be used only once.

All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage. All multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation. Drying cloths, if used, shall be clean and shall be used for no other purpose.

No article, polish, or other substance containing any cyanide preparation or other poisonous material shall be used for cleaning or polishing of utensils.

ITEM 11. Storage and Handling of Utensils and Equipment. — After bactericidal treatment utensils shall be stored in a clean, dry place protected from flies, dust, and other contamination, and shall be

handled in such a manner as to prevent contamination as far as practicable. Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.

ITEM 12. Disposal of Wastes. — All wastes shall be properly disposed of, and all garbage and trash shall be kept in suitable receptacles, in such manner as not to become a nuisance. Garbage cans shall be covered.

ITEM 13. Refrigeration. — All readily perishable food and drink shall be kept at or below 50 degrees F. except when being prepared or served. Waste water from refrigeration equipment shall be properly disposed of. All meats which are to be kept longer than 24 hours shall be refrigerated at 40 degrees F. or less. Temperature thermometers shall be provided in each refrigerator at all times.

ITEM 14. Wholesomeness of Food and Drink.— All food and drink shall be clean, wholesome, free from spoilage, and so prepared as to be safe for human consumption. All milks, fluid milk products, ice cream, and other frozen desserts served shall be from approved sources. Milk and fluid milk products shall be served in the individual original containers in which they were received from the distributor or from a bulk container equipped with an approved dispensing device: Provided, that this requirement shall not apply to cream, which may be served from the original bottle or from a dispenser approved for such services. All oysters, clams, and mussels shall be from approved sources, and if shucked shall be kept until used in the containers in which they were placed at the shucking plant.

ITEM 15. Storage, Display, and Serving of Food and Drink. — All food and drink shall be so stored, displayed, and served as to be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage, and other contamination. No animals or fowls shall be kept or allowed in any room in which food or drink is prepared or stored. All means nec-

essary for the elimination of flies, roaches, and rodents shall be used.

ITEM 16. Cleanliness of Employees. — All employees shall wear clean outer garments and a suitable head covering to protect the food from contamination from human hair, and shall keep their hands clean at all times while engaged in the handling of food, drink, utensils or equipment. Employees shall not expectorate or use tobacco in any form in rooms in which food is prepared.

ITEM 17. Miscellaneous. — The premises of all restaurants shall be kept clean and free of litter or rubbish. None of the operations connected with a restaurant shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employee's clothing and shall be kept clean. Soiled linens, coats and aprons shall be kept in containers provided for this purpose.

Itinerant Restaurants. — Itinerant restaurants shall be constructed and operated in an approved manner.

SECTION 6. Restaurant Which May Operate. — From and after 12 months from the date on which this ordinance takes effect or at the expiration of such later date as may be granted by the Board of Health of the City of Terre Haute, Indiana, no restaurant shall be operated within the City of Terre Haute, Indiana, or its police jurisdiction, unless it conforms with the requirements of this ordinance: Provided, that when any restaurant fails to qualify the health officer is authorized to suspend the permit.

SECTION 7. Reinstatement of Permit. — Any restaurant, the permit of which has been suspended, may at any time make application for the reinstatement of the permit.

Within one week after the receipt of a satisfactory application, accompanied by a statement signed by the applicant to the effect that violated provision or provisions of this ordinance have been conformed with, the health officer shall make a reinspection,

and thereafter as many additional reinspections as he may deem necessary to assure himself that the applicant is again complying with the requirements, and, in case the findings indicate compliance, shall reinstate the permit.

SECTION 8. A. Disease Control. — No person who is affected with any disease in a communicable form or a carrier of such disease shall work in any restaurant, and no restaurant shall employ any such person or any person suspected of being affected with any disease in a communicable form or of being a carrier of such disease. If the restaurant manager suspects that any employee has contracted any disease in a communicable form or has become a carrier of such disease he shall notify the health officer immediately.

B. Procedure When Infection Suspected.—When suspicion arises as to the possibility of transmission of infection from any restaurant employee the health officer is authorized to require any or all of the following measures: (1) The immediate exclusion of the employee from all restaurants; (2) The immediate closing of the restaurant concerned until no further danger of disease outbreak exists, in the opinion of the health officer; (3) Adequate medical examinations of the employee and of his associates, with such laboratory examinations as may be indicated.

C. Health Certificates. — All employees engaged in handling food, drink, utensils or equipment shall be required to secure a health certificate by the health officer, at least every 12 months or as often as may be deemed necessary by the health officer, showing that they are free from any infectious or transmittable disease. A blood test for syphilis shall be provided the health officer by all such employees at least once annually. Examinations for such health certificates shall be made and issued by a reputable, licensed doctor of medicine. A copy of the health certificate for each employee shall be on file in the restaurant.

SECTION 9. Enforcement Interpretation.—This

ordinance shall be enforced by the health officer in accordance with the interpretations thereof contained in the 1943 edition of the U. S. Public Health Code Regulating Eating and Drinking Establishments, a certified copy of which shall be on file in the City Clerk's Office.

SECTION 10. Penalties. — Any person who violates any of the provisions of this ordinance or who refuses to comply with any lawful orders, rules or regulations of the health officer, as provided in Section 9 of this ordinance, shall, upon conviction, be punished for the first offense by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00); for the second and any subsequent offenses by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00). Each and every violation of the provision of this ordinance shall constitute a separate offense.

SECTION 11. Unconstitutionality Clause. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional, or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

SECTION 12. Repeal and Date of Effect. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect immediately upon its adoption and approval by the Mayor and publication, as required by law.

Presented by J. Harry Anthony, Councilman.

Passed in open Council this 13th day of November, 1945.

ATTEST:

Charles C. Broadhurst, Clerk.

Presented by me to the Mayor, this 13th day of November, 1945.

Charles C. Broadhurst, Clerk.

Approved by me, this 13th day of November, 1945.

Vernon R. McMillan, Mayor.

